

Clayton Chemical Company's  
January 19, 1995, Consent Order.

- VIII.A.2. \$15,833.33, Due by April 19, 1995.  
\$15,833.33, Due by July 18, 1995.  
\$15,833.33, Due by October 16, 1995.  
\$15,833.33, Due by January 13, 1996.  
\$15,833.33, Due by April 11, 1996.  
\$15,833.33, Due by July 10, 1996.

Total: \$94,999.98

- VIII.B.3. By **February 18, 1995**, Clayton shall upgrade its drum unloading procedures so that they satisfy and thereafter comply with the requirements of 35 Ill. Adm. Code 724.273 (1992). In the event that this requirement is not met, a stipulated penalty of Ten Thousand Dollars (\$10,000.00) shall be paid on or before **March 20, 1995**.

- VIII.B.4. By **February 18, 1995**, Clayton shall initiate implementation of the closure plan for the drum storage areas identified in the complaint, then complete it in accordance with the Agency's approved letter and Agency approved schedule. In the event that Clayton does not initiate implementation of the closure plan by **February 18, 1995**, a stipulated penalty of Fifteen Thousand Dollars (\$15,000.00) shall be paid on or before **March 20, 1995**. Also, in the event that Clayton does not complete the closure plan in accordance with the Agency's approval letter and Agency-approved schedule, a stipulated penalty of Fifteen Thousand Dollars (\$15,000.00) shall be paid on or before (get closure plan for this date).

- VIII.B.5. By **May 19, 1995**, Clayton shall upgrade the secondary containment for the existing permitted drum storage areas by:

- a) maintaining all curbs, dikes and containment angles in a water tight condition;
- b) installing an additional impervious layer over the base of each area; and
- c) limiting storage so that the volume of containers does not exceed ten times the containment capacity.

In the event that this deadline is not met, a stipulated penalty of Five Thousand Dollars (\$5,000.00) shall be paid on or before **June 18, 1995.**

- VIII.B.6. By **July 19, 1995**, Clayton shall upgrade secondary containment for the existing tank storage areas to meet and thereafter comply with the requirements of 35 Ill. Adm. Code **724.293(b)-(h) (1993)** or remove the tanks from service and initiate closure of this area. In the event that this requirement is not met, a stipulated penalty of Five Thousand Dollars (\$5,000.00) shall be paid on or before **August 18, 1995.**
- VIII.B.7. By **April 4, 1995**, Clayton shall submit to the Agency and thereafter comply with a waste analysis plan which fully satisfies the requirements of 35 Ill. Adm. Code **724.113 (1993)**. In the event that this requirement is not met, a stipulated penalty of Five Thousand Dollars (\$5,000.00) shall be paid on or before **May 4, 1995.**
- VIII.B.8. By **April 4, 1995**, Clayton shall submit to the Agency and thereafter comply with a quality assurance plan for all sampling and analyses performed by Clayton which satisfies all of the requirements of **USEPA SW 846**. In the event that this requirement is not met, a stipulated penalty of Five Thousand Dollars (\$5,000.00) shall be paid on or before **May 4, 1995.**
- VIII.B.9. By **February 18, 1995**, Clayton shall upgrade their drum handling procedures so that they meet and thereafter comply with the requirements of 35 Ill. Adm. Code **724.273 (1993)**. In the event that this requirement is not met, a stipulated penalty of Ten Thousand Dollars (\$10,000.00) shall be paid on or before **March 20, 1995.**
- VIII.B.10. By **February 18, 1995**, Clayton shall increase and maintain their inspections pursuant to 35 Ill. Adm. Code **724.295 (1993)** to at least once per operating day.

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In the event that this requirement is not met, a stipulated penalty of Five Thousand Dollars (\$5,000.00) shall be paid on or before March 20, 1995.

- VIII.B.11. By March 5, 1995, Clayton shall submit to the Agency and thereafter comply with a contingency plan fully satisfying the requirements of 35 Ill. Adm. Code 724.150-724.156 (1993). In the event that this requirement is not met, a stipulated penalty of Ten Thousand Dollars (\$10,000.00) shall be paid on or before April 4, 1995.
- VIII.B.12. By March 5, 1995, Clayton shall upgrade their handling of ignitable and reactive wastes so that it satisfies and thereafter complies with the requirements of 35 Ill. Adm. Code 724.117(a) (1993). In the event that this requirement is not met, a stipulated penalty of Five Thousand Dollars (\$5,000.00) shall be paid on or before April 4, 1995.
- VIII.B.13. a) By February 18, 1995, Clayton shall increase their financial assurance for the units undergoing closure as specified in IEPA Log No. C-726 to the amount of Three Hundred Thousand Dollars (\$300,000.00). By May 19, 1995, Clayton shall increase their financial assurance for those units by one-half of the outstanding amount required by 35 Ill. Adm. Code 725.243 (\$393,567.00[plus any additional amount required by adjustments of the closure cost estimates for inflation]) and by September 16, 1995, Clayton shall increase their financial assurance for those units to the amount required by 35 Ill. Adm. Code 725.243 (\$487,134.00[plus any additional amount required by adjustments of the closure cost estimates for inflation]).
- b) Clayton shall provide financial assurance in accordance with 35 Ill. Adm. Code 724.243 for the units covered by their Part B permit in accordance with the schedule set forth in that permit.

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VIII.E. COVENANT NOT TO SUE

In exchange for the payments and promises made by defendant herein, plaintiffs agree to covenant not to sue defendants for covered matters.

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703.154 (as cited in the November 17, 1989 CIL) - The facility currently exceeds the design capacities specified in the Part A for tank storage (SO2).

703.154 (as cited in the May 1, 1991 CIL) - The warehouse container storage area is not identified in the facility's Part A application.

Note: This violation, which was previously identified, remains unresolved for reasons other than those listed above.

703.155(b) (as cited in the November 18, 1992 CIL) - An approved, revised Part A has not been obtained for the increase in container storage capacity.